

EXHIBIT A

Clerk of the Superior Court
*** Electronically Filed ***
C. Cuellar, Deputy
10/3/2021 12:02:12 AM
Filing ID 13448939

Person/Attorney Filing: Michael Medina JR
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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 014846, Issuing State: AZ

*10/14/289
10/15/21
1:00 PM*

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

KATHLEEN ALBERT

Plaintiff(s),

Case No. CV2021-015530

v.

TARGET CORPORATION, a foreign
corporation, et al.
Defendant(s).

SUMMONS

To: TARGET STORES, INC., a foreign corporation

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT
AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO
NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *October 03, 2021*

JEFF FINE
Clerk of Superior Court

By: *CECILIA CUELLAR*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

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1 **Davis Miles**

2 **McGuire Gardner**

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10 **Steven E. Weinberger, Bar No. 015349**

11 sweinberger@davismiles.com

12 **Dwayne D. Burns, Bar No. 032448**

13 dburns@davismiles.com

14 *Attorneys for Plaintiffs*

15 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

16 **IN AND FOR THE COUNTY OF MARICOPA**

17 **CV2021-015530**

18 **KATHLEEN ALBERT,**

19 **CASE NO.:**

20 Plaintiff,

21 **COMPLAINT**

22 v.

23 **TARGET CORPORATION, a foreign**
24 **corporation; TARGET STORES, INC., a**
25 **foreign corporation, ABC**

26 **PARTNERSHIPS I through X, and**
27 **BLACK CORPORATIONS I through X,**
28 **Defendants.**

29 Plaintiff Kathleen Albert, by and through counsel, allege the following:

30 **Parties, Jurisdiction, and Venue**

31 1. Plaintiff Kathleen Albert is and was at all times relevant a resident of Maricopa
32 County, Arizona.

33 2. Defendant Target Corporation is a foreign corporation that at all relevant times is and
34 was doing business in the Maricopa County, Arizona.

35 3. Defendant Target Stores, Inc. is a foreign corporation that at all relevant times is and
36 was doing business in Maricopa County, Arizona.

4. Defendants, and each of them, caused events to occur in the Maricopa County. Plaintiff is informed and believes that each of the named Defendants herein is legally responsible in some manner for the events and happenings referred to in this Complaint and is legally and proximately responsible for the injuries and damages suffered by Plaintiff as further alleged in this Complaint.

5. At all times material, Defendants Target Corporation and Target Stores, Inc. (hereafter collectively “Target”), and each of them, caused events to occur within Maricopa County, State of Arizona, out of which this Complaint arises, and therefore, jurisdiction and venue are proper in this Court.

6. DOES I-X, ABC Partnerships I-X, and XYZ Corporations I-X are corporations, businesses, entities, person, agents, servants, or employees whose true names are not known to Plaintiff at the present time. Plaintiff is informed and upon information and belief, alleges that DOES I-X, ABC Partnership I-X, and XYZ Corporations I-X are residents of the State of Arizona or are doing business in the State of Arizona. When the true names of said persons, agents, servants, employees, corporations, or entities become known to Plaintiff, will ask leave of the court to amend the Complaint to reflect such true names together with the appropriate charging instruction allegations. Each of these Defendants caused Plaintiff's injuries and damages by their negligence or by their breach of duties owed to Plaintiff, or otherwise responsible as a matter of law for the acts of others who caused Plaintiff's injuries and damages by such negligence and breach of duty.

7. All acts complained of were done by Defendants or their authorized agents, and if done by Defendants' employees, were performed while in the course and scope of their ownership, employment, and/or agency so that the Defendant is legally responsible for their agents' or employees' act.

General Allegations

8. Defendants Target owned, operated, and controlled and maintained the building,

1 property located at 4734 E. Ray Road, Phoenix, Arizona 85044.

2 9. On October 3, 2019, Plaintiff Kathleen Albert was a business invitee lawfully on the
3 premises of the Defendants Targetstore located at 4734 E. Ray Road, Phoenix 85044.

4 10. On October 3, 2019, Defendants Target were in the process of renovating the entryway
5 flooring at the Target store located at 4734 E. Ray Road, Phoenix 85044. During this renovation
6 process, the store and its entry was open to the general public and the business invitees of Target,
7 including Plaintiff. There were no danger, hazard or warning signs or placards posted in the area, nor
8 were there any cones or other signage up to redirect store patrons to enter or exit the store over a
9 threshold that provided a safer means of ingress or egress.

10 11. During the renovation, Defendants Target or their agents created, allowed, and/or
12 permitted a dangerous condition, i.e., exposed concrete and the metal exit threshold at a height that
13 created a trip hazard, at the Target store located at 4734 E. Ray Road, Phoenix 85044.

14 12. After completing her shopping, Plaintiff Kathleen Albert was carrying the items that
15 she purchased including a two-way shower rod that was packaged in a box approximately 15"x 9" x
16 3" and her purse towards the exit.

17 13. Due to the height differential/disparity of the exposed metal exit threshold, Plaintiff
18 Kathleen Albert's foot and sandal was caught on the threshold causing her to fall and strike her left
19 hip and the left side of her head on the concrete outside the store.

20 14. Plaintiff Kathleen Albert's also injured her hand when it struck the concrete when she
21 attempted to break her fall.

22 **NEGLIGENCE AGAINST THE TARGET DEFENDANTS**

23 15. Plaintiff Kathleen Albert re-alleges and incorporates by reference all those facts and
24 allegations in the paragraphs above and further alleges:

25 16. The Target Defendants failed to exercise reasonable care during the renovation of the
26 front entry to the Target store located at 4734 E. Ray Road, Phoenix 85044 by creating a hazardous

1 condition due to the metal exit threshold height above the concrete floor.

2 17. The Target Defendants failed to exercise reasonable care during the renovation of the
3 front entry to the Target store located at 4734 E. Ray Road, Phoenix 85044 by failing to properly
4 warn their customers, including Plaintiff Kathleen Albert, of the hazardous condition created by the
5 renovation front entry.

6 18. The Target Defendants have a non-delegable duty to ensure the premises they
7 own and control are reasonably safe for all individuals and business invitees, including
8 Plaintiff Kathleen Albert.

9 10. 19. As a direct and proximate result of the Target Defendants' negligence, Plaintiff
11 Kathleen Albert was injured and suffered severe injuries.

12 13. 20. As a direct and proximate result of the Target Defendants' negligence, Plaintiff
14 Kathleen Albert has incurred medical bills for her care and may incur additional medical
15 expenses in the future.

16 17. 21. As a direct and proximate result of the Target Defendants' negligence, Plaintiff
18 Kathleen Albert was injured and has and will continue to suffer pain, discomfort, disability,
19 and anxiety.

20 21. 22. The total amount of Plaintiff Kathleen Albert's damages is presently unknown,
22 but well in excess of the of the jurisdictional minimum of this Court.

23 **Tier Assignment**

24 25. Plaintiff Kathleen Albert re-alleges and incorporates by reference all prior
allegations set forth in this Complaint as though fully set forth herein and further alleges:

26 27. 28. 24. This case meets the criteria for assignment as a Tier 2 case under Arizona Rules
of Civil Procedure Rule 26.2.

25. The sum of relief sought is such as to meet the requirement for assignment as a Tier 2 Case under Arizona Rules of Civil Procedure Rule 26.2

Prayer for Relief

Plaintiff Kathleen Albert respectfully requests judgment against the Target Defendants, and each of them as follows:

- A. For judgment in their favor on all causes of action;
- B. For compensatory damages plus special incidental damages, in amounts to be determined;
- C. For damages for the loss of marital consortium, in an amount to be determined;
- D. For costs of this suit, in an amount to be determined;
- E. For pre- and post-judgment interest as permitted by law; and
- F. For other such relief as this Court deems just and proper.

DATED this 2nd day October, 2021.

DAVIS MILES MCGUIRE GARDNER PLLC

Michael E. Medina, Jr.

By: _____
Michael E. Medina, Jr.
Dwayne D. Burns
Attorneys for Plaintiff

25 Copy of the foregoing efiled via TurboCourt
this 2nd day of October 2021:

26 Clerk of the Super Court
Maricopa County

Clerk of the Superior Court
*** Electronically Filed ***
C. Cuellar, Deputy
10/3/2021 12:02:12 AM
Filing ID 13448937

Person/Attorney Filing: Michael Medina JR

Mailing Address: 40 E. Rio Salado Pkwy., Ste. 425

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

KATHLEEN ALBERT

Plaintiff(s),

v.

TARGET CORPORATION, a foreign
corporation, et al.

Defendant(s).

Case No. CV2021-015530

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Michael Medina JR /s/
Plaintiff/Attorney for Plaintiff



CT Corporation

Service of Process

Transmittal

10/25/2021

CT Log Number 540473824

TO: Cathy Schuda
Target Corporation
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403-2542

RE: **Process Served in Arizona**

FOR: Target Stores, Inc. (FN) (Assumed Name) (Domestic State: MN)
Target Corporation (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Re: KATHLEEN ALBERT // To: Target Corporation
DOCUMENT(S) SERVED:	--
COURT/AGENCY:	None Specified Case # CV2021015530
NATURE OF ACTION:	Personal Injury - Failure to Maintain Premises in a Safe Condition
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Phoenix, AZ
DATE AND HOUR OF SERVICE:	By Process Server on 10/25/2021 at 01:44
JURISDICTION SERVED :	Arizona
APPEARANCE OR ANSWER DUE:	None Specified
ATTORNEY(S) / SENDER(S):	None Specified
ACTION ITEMS:	CT has retained the current log, Retain Date: 10/25/2021, Expected Purge Date: 10/30/2021 Image SOP Email Notification, Non Employee Litigation Target gl.legal@target.com
REGISTERED AGENT ADDRESS:	C T Corporation System 3800 N. Central Avenue Suite 460 Phoenix, AZ 85012 877-564-7529 MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Mon, Oct 25, 2021

Server Name: Wayne Lamb

Entity Served	TARGET STORES, INC. (FN)
Case Number	Cv2021-15530
Jurisdiction	AZ



1 Jefferson T. Collins, Bar #016428
2 JONES, SKELTON & HOCHULI P.L.C.
3 40 N. Central Avenue, Suite 2700
4 Phoenix, Arizona 85004
5 Telephone: (602) 263-7346
6 Fax: (602) 200-7825
7 jcollins@jshfirm.com
8 minuteentries@jshfirm.com
9
10 Attorneys for Defendants

**SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA**

KATHLEEN ALBERT,

Plaintiff,

V.

TARGET CORPORATION, a foreign corporation; TARGET STORES, INC., a foreign corporation; ABC PARTNERSHIPS I through X; and BLACK CORPORATIONS I through X,

NO. CV2021-015530

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

(Assigned to the Honorable John Hannah)

Defendants.

Defendants Target Corporation and Target Stores, Inc. (“Answering Defendants”),
through undersigned counsel, and for their Answer to Plaintiff’s Complaint, admit, deny
follows:

Parties, Jurisdiction, and Venue

1. These Answering Defendants admit the allegations contained in paragraph 1 of Plaintiff's Complaint.

2. These Answering Defendants admit the allegations contained in paragraph 2 of Plaintiff's Complaint.

3. These Answering Defendants deny the allegations contained in paragraph 3 of Plaintiff's Complaint and affirmatively allege that the only proper party defendant is Defendant Target Corporation.

4. These Answering Defendants deny the allegations contained in paragraph 4 of Plaintiff's Complaint.

5. In response to paragraph 5 of Plaintiff's Complaint, these Answering Defendants admit jurisdiction and venue but deny the remaining allegations contained in paragraph 5 Plaintiff's Complaint.

6. No affirmative response is required to paragraph 6 of Plaintiff's Complaint but, to the extent an affirmative response is required, this Answering Defendant denies same.

7. These Answering Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint.

General Allegations

8. These Answering Defendants admit the allegations contained in paragraph 8 of Plaintiff's Complaint.

9. These Answering Defendants admit the allegations contained in paragraph 9 of Plaintiff's Complaint.

10. In response to paragraph 10 of Plaintiff's Complaint, these Answering Defendants admit that Plaintiff was involved in an accident on October 3, 2019 at the Target Store located at 4734 East Ray Road in Phoenix, Arizona. These Answering Defendants deny the remaining allegations contained in paragraph 10 of Plaintiff's Complaint.

11. These Answering Defendants deny the allegations contained in paragraph 11 of Plaintiff's Complaint.

1 12. These Answering Defendants deny the allegations contained in paragraph 12
2 of Plaintiff's Complaint.

3 13. These Answering Defendants deny the allegations contained in paragraph 13
4 of Plaintiff's Complaint.

5 14. These Answering Defendants deny the allegations contained in paragraph 14
6 of Plaintiff's Complaint.

7 **NEGLIGENCE AGAINST THE TARGET DEFENDANTS**

8 15. In response to paragraph 15 of Plaintiff's Complaint, these Answering
9 Defendants hereby incorporate their responses to paragraphs 1 through 14, above.

10 16. These Answering Defendants deny the allegations contained in paragraph 16 of
11 Plaintiff's Complaint.

12 17. These Answering Defendants deny the allegations contained in paragraph 17
13 of Plaintiff's Complaint.

14 18. These Answering Defendants deny the allegations contained in paragraph 18
15 of Plaintiff's Complaint.

16 19. These Answering Defendants deny the allegations contained in paragraph 19
17 of Plaintiff's Complaint.

18 20. These Answering Defendants deny the allegations contained in paragraph 20
19 of Plaintiff's Complaint.

20 21. These Answering Defendants deny the allegations contained in paragraph 21
21 of Plaintiff's Complaint.

22 22. These Answering Defendants deny the allegations contained in paragraph 22
23 of Plaintiff's Complaint.

24 **Tier Assignment**

25 23. In response to paragraph 23 of Plaintiff's Complaint, these Answering
26 Defendants incorporate their responses to paragraphs 1 through 22, above

1 24. These Answering Defendants admit the allegations contained in paragraph
2 24 of Plaintiff's Complaint.

3 25. These Answering Defendants admit the allegations contained in paragraph
4 25 of Plaintiff's Complaint.

5 **AFFIRMATIVE DEFENSES**

6 These Answering Defendants assert the following affirmative defenses:

7 26. As and for a separate defense and in the alternative, these Answering
8 Defendants allege that the Complaint fails to state a claim upon which relief may be granted
9 against these Answering Defendants.

10 27. As and for a separate defense and in the alternative, these Answering
11 Defendants allege that Plaintiff was contributorily negligent and/or that any injuries received by
12 Plaintiff was the result of an intervening/superseding cause or through the negligence of someone
13 other than these Answering Defendants, all of which bars recovery to Plaintiff herein from these
14 Answering Defendants.

15 28. As and for a separate defense and in the alternative, these Answering
16 Defendants allege that Plaintiff was negligent in whole or in part thereby reducing or eliminating
17 any damage owing by these Answering Defendants by way of the doctrine of comparative
18 negligence.

19 29. Although these Answering Defendants do not presently have specific facts
20 in support of the remaining defenses, it wishes to put counsel for Plaintiff upon notice that they
21 hereby raise the following defenses which, through subsequent discovery, may indeed be
22 supported by the facts: assumption of risk, statute of limitations, insufficiency of process and
23 insufficiency of service of process and failure to mitigate damages.

24 30. As and for a separate defense, and in the alternative, these Answering
25 Defendants allege that they did not have notice of the allegedly dangerous condition as set forth
26 in Plaintiff's Complaint, thereby reducing or eliminating any assessment of fault against these

1 Answering Defendants. Additionally, the incident was not the result of an unreasonably
2 dangerous condition.

3 WHEREFORE, having fully answered the Complaint, these Answering Defendants
4 request that judgment be entered in its favor as follows:

- 5 1. Dismissing the Complaint;
- 6 2. Awarding these Answering Defendants their taxable costs; and
- 7 3. Awarding these Answering Defendants such other and further relief as this

Court deems just and proper.

8 DATED this 16th day of November, 2021.
9

10 JONES, SKELTON & HOCHULI P.L.C.

11 By /s/ Jefferson T. Collins

12 Jefferson T. Collins
13 40 N. Central Avenue, Suite 2700
14 Phoenix, Arizona 85004
15 Attorneys for Defendants

1 ORIGINAL of the foregoing electronically filed
2 this 16th day of November, 2021.

3 COPY of the foregoing e-mailed
4 this 16th day of November, 2021, to:

5 Michael E. Medina, Jr.
6 Steven E. Weinberger
7 Dwayne D. Barns
8 DAVIS MILES MCGUIRE GARDNER
9 40 E. Rio Salado Parkway, Suite 425
10 Tempe, Arizona 85281

11 /s/ Kathy Kleinschmidt

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jcollins@jshfirm.com
minuteentries@jshfirm.com
7
8 Attorneys for Defendants Target Corporation
9 and Target Stores

**SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA**

KATHLEEN ALBERT,

Plaintiff,

NO. CV2021-015530

**DEFENDANTS' CERTIFICATE
REGARDING COMPULSORY
ARBITRATION**

(Assigned to the Honorable John Hannah)

TARGET CORPORATION, a foreign corporation; TARGET STORES, INC., a foreign corporation; ABC PARTNERSHIPS I through X; and BLACK CORPORATIONS I through X,

Defendants.

Defendants hereby certify that they agree with Plaintiff that this matter is subject to Compulsory Arbitration.

• • •

• • •

1 DATED this 16th day of November, 2021.

2 JONES, SKELTON & HOCHULI P.L.C.

3

4 By /s/ Jefferson T. Collins

5 Jefferson T. Collins
6 40 N. Central Avenue, Suite 2700
7 Phoenix, Arizona 85004
8 Attorneys for Defendants Target Corporation and
9 Target Stores

10 ORIGINAL of the foregoing electronically filed
11 this 16th day of November, 2021.

12 COPY of the foregoing e-mailed
13 this 16th day of November, 2021, to:

14 Michael E. Medina, Jr.
15 Steven E. Weinberger
16 Dwayne D. Barns
17 DAVIS MILES MCGUIRE GARDNER
18 40 E. Rio Salado Parkway, Suite 425
19 Tempe, Arizona 85281

20

21 /s/ Kathy Kleinschmidt



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Steven Weinberger, SBN 015349

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8 Attorneys for Plaintiff

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
11 IN AND FOR THE COUNTY OF MARICOPA**

12 KATHLEEN ALBERT,

13 Plaintiff,

14 v.

15 TARGET CORPORATION, a foreign
16 corporation; TARGET STORES, INC., a
17 foreign corporation, ABC
18 PARTNERSHIPS I through X, and BLACK
CORPORATIONS I through X,

19 Defendants.

20 **Case No: CV2021-015530**

21 **AMENDED CERTIFICATE OF
22 COMPULSORY ARBITRATION**

23 The undersigned certifies that the largest award sought by the complainant, including
24 punitive damages, but excluding interest, attorneys' fees, and costs does exceed the limits set
25 by Maricopa County Local Rule 3.10 for compulsory arbitration. This case is not subject to
26 the Rules of Civil Procedure for Arbitration.

27 Respectfully submitted December 2, 2021.

1 **DAVIS MILES MCGUIRE GARDNER, PLLC**
2

3 *Michael E. Medina, Jr.*
4

5 By:

6
7 Michael E. Medina, Jr.,
8 Steven Weinberger,
9 *Attorneys for Plaintiffs*

10 **ORIGINAL** of the foregoing filed
11 on December 2, 2021, with:
12

13 Clerk of the Court
14 Maricopa County Superior
15

16 COPY of foregoing emailed:
17 On December 2, 2021, to:
18

19 Jeff Collins
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24 /s/Marisela G. Cuevas
25

26 s
27